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10/574,311	03/31/2006	Katsushi Ohizumi	65213(71117)	2276
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EDWARDS ANGELL PALMER & DODGE LLP			EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/574,311	Applicant(s) OHIZUMI ET AL.	
	Examiner MARC DAZENSKI	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☒ Claim(s) 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5-11-06, 6-15-06, 8-21-08, 10-17-08, 3-03-09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 32 is objected to because of the following informalities: line 2 of the claim refers to “the recording medium,” when it should read “a recording medium.”

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Uchikoga (US PgPub 2001/0005446), hereinafter referred to as Uchikoga.

Regarding **claim 1**, Uchikoga discloses a multimedia information playback apparatus and method. Further, Uchikoga discloses a stream data playback apparatus (100) for playing back stream data as multimedia information, wherein the distributed stream data is received by and stored in the apparatus (100), which reads on the claimed, “a recording and reproducing apparatus comprising a reading unit that reads content including AV data or application programs/data,” as disclosed at paragraphs [0091]-[0094] and exhibited in figure 2;

control unit (101) which acquires video, audio, and control data and stores them in a disk serving as a storage device (105), which reads on the claimed, "a recording unit that records the read content," as disclosed at paragraph [0105];

control unit (101) reads out the control data stored in the disk and performs playback processing of the video and audio data in the disk in accordance with the control data, which reads on the claimed, "a processing unit reproduces or executes the recorded content," as disclosed at paragraph [0105]; and,

the control unit (101) undergoes playback processing according to the control data downloaded from network server (300), the control data having functions of limiting playback contents, e.g. a user operation limitation function, playback channel limitations function, playback stream data limitation function, and a function of checking user operation and playing back a stream, which reads on the claimed, "the processing unit adds different access constraints to any content that can be reproduced or executed by the recording and reproducing apparatus depending on the process of the content," as disclosed at paragraphs [0092], [0106], and [0108]-[0110].

Regarding **claim 2**, Uchikoga discloses everything claimed as applied above (see claim 1). Further, Uchikoga discloses communication interface (102) for communicating with the server (300) through the network (200), and a storage device (105) such as a disk for storing distributed video and audio data, which reads on the claimed, "an external interface to connect an external recording medium recording the content or to connect a server recording the content via network, wherein the processing unit has an installation processing unit that installs the content recorded in

the external recording medium or the server connected with the external interface into a certain area of the recording unit,” as disclosed at paragraph [0102] and exhibited in figure 9.

Regarding **claim 3**, Uchikoga discloses everything claimed as applied above (see claim 2). Further, Uchikoga discloses authentication server (42) performs mutual authentication with external server (90) to determine whether playback of certain content is allowed, which reads on the claimed, “wherein the installation processing means-unit permits only the content allowed to be installed in the external recording medium or the server connected with the external interface to be installed into the certain area of the recording unit,” as disclosed at paragraphs [0046]-[0048].

Regarding **claim 4**, Uchikoga discloses everything claimed as applied above (see claim 2). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 3 above.

Regarding **claim 5**, Uchikoga discloses everything claimed as applied above (see claim 2). Further, Uchikoga discloses if the playback apparatus (100) determines that the stream data can be played back, it executes the playback processes A to D of playing back video and audio data in the memory buffer in accordance with control data in the memory buffer, which reads on the claimed, “wherein when the recording and reproducing apparatus reproduces or executes any content, the processing unit makes the content unable to access other or all contents recorded in the external recording medium,” as disclosed at paragraph [0114] (wherein the apparatus is unable to access

other or all contents recorded in the external medium because the system resources are devoted towards reproducing the current content).

Regarding **claim 6**, Uchikoga discloses everything claimed as applied above (see claim 2). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 5 above.

Regarding **claim 7**, Uchikoga discloses everything claimed as applied above (see claim 2). Further, Uchikoga discloses if the user instructs playback, the control unit (101) receives the instruction and stores it in the disk or buffer memory (104) and then reads out the stored control data and executes playback processes A to D in accordance with the control data, which reads on the claimed, " a memory that is an execution area of the content, wherein the processing unit has a load processing unit that loads the executable content recorded in the recording unit, the external recording medium, or the server into the memory," as disclosed at paragraph [0112].

Regarding **claim 8**, Uchikoga discloses everything claimed as applied above (see claim 7). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 7 above.

Regarding **claim 9**, Uchikoga discloses everything claimed as applied above (see claim 7). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 5 above.

Regarding **claim 10**, Uchikoga discloses everything claimed as applied above (see claim 7). Further, Uchikoga discloses playback processing D in which the control data includes a user operation check module (program) which upon executing causes

control unit (101) to decode stream data corresponding to the user operation, and plays back pictures including a bonus picture, which reads on the claimed, “wherein the recording unit has programs and data necessary for reproducing or executing the content that are regarded as one package and recorded on a package-by-package basis, wherein the load processing unit loads at least all or some of the programs constituting an any package recorded in the recording unit into the memory, and wherein when reproducing or executing all or some of the programs constituting the package that are loaded into the memory, the processing unit makes the reproduced or executed programs unable to access packages other than the package including the programs,” as disclosed at paragraph [0110].

Regarding **claim 11**, Uchikoga discloses everything claimed as applied above (see claim 7). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 5 above.

Regarding **claim 12**, Uchikoga discloses everything claimed as applied above (see claim 1). Further, Uchikoga discloses authentication server (42) performs mutual authentication with external server (90) to determine whether playback of certain content is allowed, which reads on the claimed, “wherein when the recording and reproducing apparatus reproduces or executes any content, the processing unit constrains the access of the content depending on the reliability of the content,” as disclosed at paragraphs [0046]-[0048].

Regarding **claim 13**, Uchikoga discloses everything claimed as applied above (see claim 12). Further, Uchikoga discloses authentication unit sending a key code to

the external server and then checks the response to see if it is an authentic external server, which reads on the claimed, "wherein the reliability of the content is set based on any one or more of a description language of the program, a recording medium that is a read source of the content read by the reading unit, and a network address that is a read source of the content read by the reading unit," as disclosed at paragraph [0046].

Regarding **claims 14-26**, the examiner maintains that the claims are the corresponding method to the apparatus of claims 1-13, and therefore are rejected in view of the explanation set forth in claims 1-13 above.

Claims 27-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirayama (US PgPub 2002/0083472), hereinafter referred to as Hirayama.

Regarding **claim 27**, Hirayama discloses an information providing system, information terminal device, information server device, and information providing method. Further, Hirayama discloses transmitting a continuous stream of contents data comprising main body data and auxiliary material to information terminals (120) and then reproducing this stream of contents data, which reads on the claimed, "an AV data managing method for managing AV data reproduction process with the use of management information of the AV data," as disclosed at paragraphs [0124] and [0133]; the method comprising:

receiving program main body data and auxiliary material groups at an information terminal (120) from a transmission server (110) based on information providing system (100), which reads on the claimed, "an associated AV data/management information acquiring step of acquiring a plurality of associated AV data associated with AV data

recorded in a recording medium as well as management information of the AV data that has associated management information added for managing the reproduction process of the associated AV data,” as disclosed at [0124]-[0125] and exhibited in figure 3;

utilizing recording/reproduction device (121) to record the continuous stream contents data on a recording medium that can be randomly accessed to retrieve any part of the recorded contents data, which reads on the claimed, “a recording step of recording the obtained plurality of the associated AV data and the management information of the AV data into a certain recording area,” as disclosed at paragraphs [0130]-[0131]; and,

recording/reproduction device (121) selecting a desired contents data out of those stored in recording device (121C) and reproducing the contents data, which reads on the claimed, “a reproduction controlling step of concurrently reproducing and controlling the AV data recorded in the recording medium and the associated AV data recorded in the recording area in accordance with the recorded management information,” as disclosed at [0133]-[0135].

Regarding **claim 28**, Hirayama discloses everything claimed as applied above (see claim 27). Further, Hirayama discloses utilizing program arrangement/management device (130B) to manage and revise and update arrangement on the basis of the information showing relationship between program sorting numbers, which reads on the claimed, “wherein as a result of retrieving the AV data management information that can be obtained at the associated AV data/management information acquiring step and the AV data management information

already recorded at the recording step, it is determined that the management information with the largest number of pieces of the added associated management information is the latest, and wherein at the reproduction controlling step, the AV data and the associated AV data are concurrently reproduced and controlled with the use of the determined latest management information,” as disclosed at paragraphs [0155]-[0159], and [0162].

Regarding **claim 29**, Hirayama discloses everything claimed as applied above (see claim 27). Further, Hirayama discloses updating the program contents via use of recording reproduction device ID information, which reads on the claimed, “comprising a determining step of determining whether or not the associated AV data corresponding to each piece of the associated management information included in the AV data management information recorded at the recording step are recorded in a certain recording area, wherein if the associated AV data are not recorded in the recording area as a result, the associated management information corresponding to the associated AV data is disabled,” as disclosed at [0134]-[0136].

Regarding **claim 30**, Hirayama discloses everything claimed as applied above (see claim 29). Further, Hirayama discloses omitting certain segments included in the managing the updated and revised arrangement of contents data, which reads on the claimed, “comprising a deleting step of selectively deleting only the associated AV data recorded in the recording area out of the associated AV data that are managed by the AV data management information obtained at the associated AV data/management information acquiring step,” as disclosed at [0155]-[0159].

Regarding **claim 31**, Hirayama discloses an information providing system, information terminal device, information server device, and information providing method. Further, Hirayama discloses an operation for generating sorting information which is combined with contents data and transmitted to a user information terminal (120) for reproduction, which reads on the claimed, “an AV data management information producing/providing method wherein when associated AV data associated with AV data recorded in a recording medium are produced, management information of the AV data having associated management information added correspondingly to the associated AV data is produced to enable the produced associated AV data and the AV data management information to be provided,” as disclosed at paragraph [0129] and exhibited in figure 5.

Regarding **claim 32**, Hirayama discloses an information providing system, information terminal device, information server device, and information providing method. Further, Hirayama discloses user information terminal (120) which comprises recording/reproduction device (121) which reproduces contents data, which reads on the claimed, “a recording and reproducing apparatus having an external device interface that reads AV data recorded in the recording medium,” as disclosed at paragraphs [0130]-[0134] and exhibited in figure 7; the apparatus comprising:

receiving contents from transmission server (110), which reads on the claimed, “a network interface that connects with a server that records a plurality of associated AV data associated with the AV data recorded in the recording medium,” as disclosed at

paragraphs [0130]-[0131] and exhibited in figure 7 (wherein receiving contents over a network implies a network interface);

recording/reproduction device (121) records the contents data (main body plus auxiliary materials) in device (121C) received from transmission server (110), which reads on the claimed, “wherein the recording and reproducing apparatus comprises a downloading unit that downloads the plurality of the associated AV data as well as management information of the AV data that has associated management information added for managing the reproduction process of the associated AV data from the server into a certain recording area,” as disclosed at paragraphs [0130]-[0131]; and,

recording/reproduction device (121) selecting a desired contents data out of those stored in recording device (121C) and reproducing the contents data, which reads on the claimed, “a reproduction controlling unit that concurrently reproduces and controls the AV data recorded in the recording medium and the downloaded associated AV data in accordance with the downloaded management information,” as disclosed at [0133]-[0135].

Regarding **claim 33**, Hirayama discloses everything claimed as applied above (see claim 32). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 28 above.

Regarding **claim 34**, Hirayama discloses everything claimed as applied above (see claim 32). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 29 above.

Regarding **claim 35**, Hirayama discloses everything claimed as applied above (see claim 34). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 30 above.

Regarding **claim 36**, Hirayama discloses everything claimed as applied above (see claim 32). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 31 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/MARC DAZENSKI/
Examiner, Art Unit 2621